

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, E, 5, 7, 11, 14, 32, 34 and 36 are active in this case, Claim 1 having been amended and Claim 62 canceled by the present Amendment, and the remaining claims having been withdrawn from consideration as directed to a non-elected invention..

In the outstanding Official Action, the title was objected to as being insufficiently descriptive; and Claims 1, 3, 5, 7, 32, 34, 36 and 62 were rejected under 35 UWC §102(e) as being anticipated by Shimizu et al (USPN 6,342,715), and Claims 11 and 14 were rejected under 35 USC §103(a) as being unpatentable over Shimizu et al in view of Admitted prior art (APA).

In response to the objection to the title, the title has presently been amended to adopt the title suggested in the outstanding Office Action. Accordingly, the objection to the title is believed to have been overcome.

In light of the outstanding rejection, Claim 1 has been amended to clarify that "said second insulating film having an open portion exposing a surface of said first electrode layer, said open portion being located at a center portion of the second insulating film, and said element isolating insulation film being located under the open portion and having a groove having a shape which is the same as that of the open portion." Thus, amended Claim 1 clarifies that the open portion of the second insulating film is formed at a center portion of a second insulating film, and a groove is formed in an element isolating region. The groove is located under the open portion, and is the same in shape as the open portion. Therefore, according to Claim 1, the groove is located under the center portion of the first and second electrode layers. This claimed structure has advantages produced by positioning the open

portion at the center portion of the second insulating film as described at page 28, line 21 to page 29, line 15 of the specification.

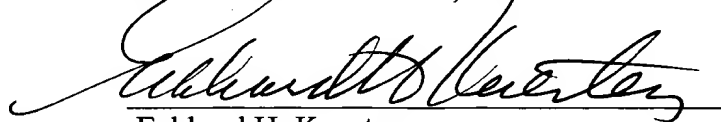
In contrast, according to Shimizu et al., an open portion is not formed at a center portion of the second insulating film, as shown in FIG. 61A. The groove is, therefore, formed under an edge portion of the first and second electrode layers. Thus, in Shimizu et al., the groove is not located under the center portion of the first and second electrode layers and the advantages of Applicants' invention are therefore not realized.

Tomioka (U.S.P. 5,793,081), also of record, discloses an open portion located in the center of the second insulating film. However, Tomioka does not disclose that an element isolating region includes a groove whose shape is the same as the open portion. Therefore, Tomioka does not cure the deficiencies of Shimizu et al., and it is respectfully submitted that the amended Claim 1 and the remaining claims dependent therefrom patentably define over the cited art.

Consequently, in view of the present amendment and in light of the above comments, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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